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In re Application of :
Arning, et al. : **OFFICE OF PETITIONS**
Application No. 09/747,515 : DECISION ON APPLICATION
Filed: December 21, 2000 : FOR PATENT TERM ADJUSTMENT
Atty. Dkt. No.: STL000011US2 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(b)" filed July 26, 2006.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby **GRANTED**.

Applicants request that the Determination of Patent Term Adjustment be corrected from 158 days, as indicated on the Determination of Patent Term Adjustment mailed June 14, 2006, to an adjustment of 164 days. Applicants argue a response to the non-final Office action mailed October 6, 2004 was timely submitted January 5, 2006.

A review of the record reveals that a timely reply to the non-final Office action mailed October 6, 2004 was timely submitted January 5, 2005. The Office errantly entered January 12, 2005 as the date that a reply to the non-final Office action was filed. However, review of the record reveals that the January 12, 2005 reply was in fact a request for an examiner interview.

Accordingly, at the time of allowance, the application is entitled to an adjustment of 164 days, as argued by applicants.

Receipt is hereby acknowledged of the required PTA application fee of \$200.00.

Applicants are further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application file is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery A. Fries

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